

Interrogatory No. 19

Have defendants or either of them licensed others to use the name DONKEY KONG in connection with any products or services other than (a) video arcade games and (b) tabletop and home video games and cassettes? If so, please describe all such licensing arrangements.

Answer To Interrogatory No. 19

Yes. Nintendo America has licensed others to manufacture, or produce products using the name Donkey Kong for sale in the United States and Canada. A list of the licensees and the products involved in each license is attached. Nintendo and Nintendo America have also entered into worldwide licenses involving Donkey Kong.

Interrogatory No. 20

Describe all merchandising efforts or planned merchandising efforts with respect to the game or name DONKEY KONG, and identify all documents relating thereto.

Answer To Interrogatory No. 20

None, except as previously described.

Interrogatory No. 21

Do defendants manufacture and distribute in the United States any other coin-operated video games in which a gorilla appears on the playing screen? If so, identify the game by name and give a description of it.

Donkey Kong Licensees

1. Andover Togs - (warm up suits/fleece sweatshirts)
2. Bates Nitewear - (girls sleepwear)
3. Beutex Mfg. - (leg warmers)
4. Charleston Hosiery - (hosiery)
5. Coleco - (electronic table top game/home video system)
6. H.H. Cutler - (screen printed & heat transfer knit tops/infants pajamas)
7. Deka Plastics - (plastic non-insulated bowls, mugs, tumblers)
8. Etone Int'l - (plush bean bags)
9. Factors Etc., Inc. - (heat transfer '(iron ons))
10. Hollander Home Fashions - (pillows, comforters, bedspreads)
11. Houze Glass - (ceramic mugs & tankards/glass mugs & tankards)
12. Joy Insignia Inc. - (embroidered emblems for all headwear)
13. Milton Bradley - (non-electronic board game)
14. Plymouth Inc. - (stationary products)
15. Roadapple Sportswear - (knit tops)
16. Thermo-Serv - (insulated beverage mugs & tumblers)
17. Trimline - (childrens belts)
18. The Wiz Kids - (silkscreen t-shirts)
19. Wormser Co. - (boys pajamas & bathrobes)
20. Franco Mfg. - (bath towels, hand towels, fingertips, bathmats, beach towels, kitchen place mats, napkins, pot holders, et al.)
21. Synergistics - (velcro target & catch games)
22. Bellstone Trading - (plush toys)
23. P & K Products - (waste baskets, table lamps, bed table lamps)

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24. Manton Cork - (decorative cork board, chalk boards)
25. Video Babies - (imprinted & heat transfer knit tops)
26. BGO RECORDS - (Donkey Kong record)
27. Gindi International - (100% polyester blankets)
28. R.G.A. - (wallets, purses, key rings & purse accessories)
29. Fleer Corp. - (blister top maze game with candy)
30. Lastings Impressions - (printed shoelaces)
- ✓ 31. Modern Promotions - (coloring books, activity books, story books, game books)
32. I.J.E. Distributing - (phonograph records, audio cassettes/tapes, book & record sets, book & tape sets)
33. Super Shirts - (imprinted & heat transfer knit tops)
34. Topps Chewing Gum, Inc. - (cardboard picture cards, rub-off or scratch-off cards, collectors books, containers in shape of D.E. containing candy, et al.)
35. Colorforms - (stick on activity plastics, and magic transfers)
36. Superior Toy - (penny arcade bank)
37. S. Diamond Associates Inc. - (vinyl puffy stickers, scratch and sniff stickers)
38. Fleetwood - (rack toys only: pill puzzle, bagatell, target game, sliding puzzle)
39. A.J. Kenzi Plastic Corp. - (polyethylene toys)
40. Rainier Brewing Co. - (television commercial)

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for home or personal computers. The license agreement with Atari Inc. has been produced.

Interrogatory No. 19

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Supplemental Answer to Interrogatory No. 19

A list of licensees as of April 1, 1983, is produced herewith. Copies of license agreements not previously produced are attached hereto and are being produced pursuant to the Stipulation and Confidentiality Order signed by the parties on February 4, 1983, and entered by the Court on February 8, 1983.

Interrogatory No. 22

Has either defendant been a party to any other litigation involving the game or name DONKEY KONG? If so, state the case name, court and docket number of each action and briefly describe the nature of each such action.

Supplemental Answer to Interrogatory No. 22

A current list of litigations in which Nintendo America has

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Andover Togs, Inc

Warm-up suits, hooded and non-hooded in fleece and interlock fabrics 3-6x, 7-14 Girls, 4-18 Boys. 0-24 Months, 2-4 Toddler in Girls and Boys.

Bates Nitewear Co., Inc.

Girls sleepwear, knit only, gowns, nightshirt jumpsuits and sleepshirts. Sizes 2-14 only.

Beautex Manufacturing, Inc.

Leg warmers and leg warmer sets with scarfs and hats. All in knit fabrics.

Bellstone Trading Co., Ltd.

Plush Toys. All sizes, not to include bean bags, hand puppets, pajama bags, or clip-ons. For retail sales only, but not to include supermarkets.

M.Z. Berger & Co., Inc.

Wristwatches (defined as a timepiece with two straps or a continuous band to wear around the wrist) without any display of audio visual we and it is a timepiece.

BGO Records, Inc.

Name, sound effect, caricature and printed versions of our character for a recording called "Do the Donkey Kong".

Bob's Space Racers, Inc.

Group games for carnivals, amusement parks and theme parks. Games consist of: watergun games, roller ball games, super driver and whack-a-mole. Watergun Game: water is shot at target to advance objects on track. Roller Ball Game: ball is rolled and goes into holes to advance objects on track. Super Driver: where object is to point arrow at light to advance object on track. Whack-a-mole: hit fiberglass target on head to score points. None of the above for retail sales.

Milton Bradley/Board Game

Non-electric board game known as "Donkey Kong Board Game."

Milton Bradley/Jigsaw Puzzles

Jigsaw puzzles only.

Milton Bradley/Card Game

Donkey Kong card game.

Charleston Hosiery

Hosiery including socks, knee highs, and tights.

Coleco Industries/Figures

Mechanical and non-mechanical figures which are either articulated or non-articulated. These figures can be of any height, made of plastic, vinyl, rubber, wood, metal, plaster, cardboard or any combination thereof.

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Colorforms

"Colorforms" stick-ons, Shrinky Dinks, Rub n' Play, vacuum formed activity maze, and sewing cards.

H. H. Cutler Company/Knit Tops

Screen printed and heat transfer knit tops in Sizes 0-20. Excluded are sweatshirts, velour and terry cloths.

H. H. Cutler Company/Pajamas

Infants and Toddlers pajamas, footed only. Sizes 0-4T. Not to include gowns. Infants sleep and play, infant and toddler diaper set rompers, bubbles, apron dresses and popovers. Sizes 0-4T only. Short sets, Sizes 0-7 only. Warm-up suits sleeping gowns, camisoles and dorm shirts, Sizes 0-18 Months only.

Deka Plastics, Inc.

Children's plastic non-insulated mugs, bowls, six-ounce tumblers, 11 ounce tumblers, and plates. Three-piece sets consisting of mug, plate and bowl.

S. Diamond Associates, Inc.

Vinyl puffy stickers, scratch and sniff stick

Etone International, Inc./Plush Toys

Plush bean bags for all retail sales. Plush toys for Supermarkets and prizes (carnival and amusement park) markets. Pajama bags, hand puppets, clip-ons, mini-plush suction toys.

Etone International, Inc./Footwear

All footwear - Infants through adults to include slippers, sneakers, rubbers, etc.

Factors Etc., Inc.

Iron-on transfers designed for application and use only on T-shirts, tank tops, sweat-shirts.

Fleer Corporation

Blister top maze game with candy.

Fleetwood Toy Corp.

Rack toys only: pill puzzle, bagatell (pin-ball) target game, sliding puzzle. Not to exceed \$2.99 retail.

Franco Manufacturing Co., Inc.

All bath towels, hand towels, washcloths, fingertips, bathmats, and beach towels. Fabric kitchen placemats, napkins, pot-holder, oven mitts, dishcloths, and aprons.

Gindi International

100 percent polyester blankets, all sizes.

Hasbro Industries, Inc.

Paint by number and pencil by number sets.

Hollander Home Fashions Corp.

Pillows, comforters, bedspreads, slumber bags (not to include slumber bags for sporting goods and toy markets), bed ruffles, pillow shams, decorative pillows, and window treatments (not to include mobile home market).

Houze Glass Corporation

Ceramic mugs and tankards, glass mugs and tankards.

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I.J.E. Distributing, Inc.

Joy Insignia, Inc.

Lasting Impressions

Manton Cork

Marvel Comics

Modern Promotions

P & K Products Company, Inc.

Pac Corporation

Party Particulars, Inc.

Placo Products Company

Plymouth, Inc.

R.G.A.

Ralston Purina Company

Phonograph records, "picture disc" phonograph records, audio cassettes or tapes, book and record sets, book and audiotape sets.

Schiffli embroidered emblems and sportstripes for all headwear. Headwear to include: sport caps and baseball caps, all knitted headwear, and visors. Schiffli embroidered emblems (sew-on, stick-on and iron-on) to be sold packaged for retail sales.

Printed shoelaces.

Decorative cork board, chalk boards.

Monthly video game comic magazine -- One (1) issue only.

Coloring books, activity books, story books and game books.

For gift market and toy market only: Wastebaskets, table lamps, floor lamps, and bed table lamps to coordinate with wastebasket only.

Dominos.

Balloons.

Target set to retail for over \$4.00.

Stationery products to include: theme books, portfolios, binders, memo pads, tablets and envelopes, boxed stationery, book covers, magners, pushpins, tattoos (not for wearing apparel), activity kits, (subject to approval on an individual basis), erasers, score pads (for home video games), crayons and construction paper, pencils, pens, pencil cases, printed cellophane tape.

Wallets, purses, key rings, and purse accessories.

Food product.

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A.J. Renzi Corporation

Roadapple Sportswear

Southland Corporation

Super Shirts

Superior Toy & Manufacturing Co., Inc.

Sylva Manufacturing Corporation

Synergistics Research Corp.

Thermo-Serv

Topps Chewing Gum, Inc.

Trimline Sales, Ltd.

Video Babies

Wormser Company

Polyethylene blow molded bank, polyethylene bat and ball, polyethylene swing seat with polypropylene rope and metal ring.

Imprinted and heat transfer knit tops in all sizes. Excluded are sweatshirts, velours, and terry cloths.

Plastic drinking cups over 8 ounces, and plastic or metal collector coins.

Imprinted and heat transfer knit tops in all sizes. Excluded are sweatshirts, velours, and terry cloths.

Gumball bank.

One and two piece blanket sleepers 0-14 footed only. Pram suits 0-18 months, pram jackets 0-36 months. All of the above in fleece or velour only.

Velcro target and catch games.

Insulated beverage mugs and tumblers, insulated travel tumbler, travel tankard, and insulated stein. All to include premium market.

Cardboard picture cards, rub-off or scratch-off cards, up to 5x7". Not to include game cards with blister top maze game. Flat stickers up to 5x7" only and collectors book for flat stickers. All of the above alone or with gum and/or confections. Stickers not to include puffy stickers or scratch 'n sniff stickers. Containers in shape of Donkey Kong characters and Donkey Kong video game machine containing candy, gum and/or confections not to retail over 75c. Not to include chocolate candies. Buttons up to 2½" in diameter.

Children's belts.

Imprinted and heat transfer knit tops in all sizes. Excluded are sweatshirts, velours and terry cloths. Bumperstickers.

Boys pajamas and bathrobes all fabrics, sizes 2-20. Sizes 2-4 unfooted pajamas only

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DONKEY KONG LICENSEE LIST
April 1, 1983

NINTENDO CO., LTD.

Milton Bradley International

Non-electric board game, jigsaw
puzzles and card game.

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expert witness to testify at trial and, therefore, cannot respond to this interrogatory at this time.

Interrogatory No. 39

Identify the mailgram sent on or about January 5, 1983 which is referred to in the letter of Herbert S. Palk to Nintendo America dated January 20, 1983, a copy of which is annexed hereto as Exhibit A, and identify to whom said mailgram was sent and why.

Response to Interrogatory No. 39

A copy of the mailgram sent to Bates Nitewear is attached. Substantially identical mailgrams were sent to other Nintendo licensees in order to respond to letters sent to Nintendo's licensees by counsel for Universal with respect to Donkey Kong and King Kong.

Interrogatory No. 40

Describe in detail the audio-visual material which defendants maintain is "virtually identical to the audio-video work embodied in Nintendo America's copyrighted Donkey Kong game" as alleged in paragraph 66 of the Amended Answer and Counterclaims of Nintendo America.

Response to Interrogatory No. 40

The plaintiff can view the subject audio-visual material itself by operating the King Kong game manufactured by Tiger Electronics, Inc. under license from Universal.